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8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 MATHEW WILLIAM MICHALAK,

15 Defendant.

CASE NO. 2:24-cr-0268-02 WBS

**STIPULATION AND ORDER CONTINUING  
STATUS CONFERENCE AND EXCLUDING  
TIME UNDER THE SPEEDY TRIAL ACT**

Date: October 27, 2025  
Time: 10:00 a.m.  
Court: Hon. William B. Shubb

17 1. This matter is presently set for a status conference/potential change of plea hearing  
18 on October 27, 2025. By this stipulation, Defendant Matthew Michalak moves to  
19 continue the matter for a status conference/potential change of plea hearing on  
20 November 17, 2025.

21 2. This case involves a conspiracy to deal in firearms without a license. The government  
22 has provided discovery materials, including materials produced pursuant to a protective  
23 order. The protective order bars Defendant Michalak from viewing video recordings  
24 containing images of the confidential informant used in this case. This restriction requires  
25 defense counsel to balance the requirements of case preparation with the protection  
26 provided for in the protective order.

27 3. The defense is presently engaged in investigation relevant to potential sentencing

mitigation and in support of the defense sentencing request. The defense investigator assisting with this matter recently completed a jury trial in a retained matter before Judge Mendez. He is now available to complete mitigation investigation pending in this matter.

4. On October 20, 2025, Defendant witnessed the unexpected death of a close friend from heart disease. Defendant is presently recovering from the shock of the death and is unavailable to assist the investigator with gathering information in support of defendant's sentencing request.
5. Given the pending defense mitigation investigation, defense counsel requires additional time for defense preparation. The government does not oppose the request.
6. Based on the above-stated facts, Defendant requests the Court find that the ends of justice served by continuing the case as requested outweigh the best interest of the public and the Defendants in a trial within the time prescribed by the Speedy Trial Act.
7. For purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*, within which trial must commence, the period of October 27, 2025, up to November 17, 2025, inclusive, is deemed excludable under 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) [Local Code T-4].
8. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period during which trial must commence.

Assistant U.S. Attorney Jason Hitt has reviewed this stipulation and authorized Attorney Todd D. Leras via email to sign it on his behalf.

Dated: October 21, 2025

/s/ Todd Leras

TODD LERAS  
Attorney for Defendant  
MATTHEW MICHALAK

Dated: October 21, 2025

/s/ Jason Hitt  
JASON HITT  
Assistant United States Attorney  
(Per email authorization)

## ORDER

BASED ON THE REPRESENTATIONS AND STIPULATIONS OF THE PARTIES, it is hereby ORDERED that the status conference/change of plea hearing for Defendant Matthew Michalak, presently scheduled for October 27, 2025, is vacated. A new status conference/potential change of plea hearing is scheduled for **November 17, 2025, at 10:00 a.m.**

The Court further finds, based on the representations of the parties, that the ends of justice served by continuing the case as requested outweigh the best interests of the public and the Defendants in a speedy trial.

Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161 (h)(7)(A) and (B)(iv), Local Code T-4, to allow necessary attorney preparation, taking into consideration the exercise of due diligence, for the period from October 27, 2025, up to and including November 17, 2025.

IT IS SO ORDERED.

Dated: October 22, 2025

William B. Shubb  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE